

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: COLOPLAST CORP.,  
PELVIC SUPPORT SYSTEMS  
PRODUCTS LIABILITY LITIGATION

MDL No. 2387

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THIS DOCUMENT RELATES TO:

*Kimberly A. Yealey, et al. v. Mentor Worldwide LLC*  
Civil Action No. 2:13-cv-22489

**MEMORANDUM OPINION AND ORDER**

Pending before the court is Defendant's Motion to Dismiss [ECF No. 31] filed by Mentor Worldwide LLC ("Mentor"). The plaintiffs have not responded, and the deadline for responding has expired. Thus, this matter is ripe for my review. For the reasons stated below, the motion is **GRANTED**.

Defendant's Motion arises from this court's Order [ECF No. 30], entered on February 27, 2018, granting the second Motion to Dismiss [ECF No. 27] filed by Coloplast Corp. ("Coloplast") for failure to serve a Plaintiff Fact Sheet ("PFS") in compliance with Pretrial Order ("PTO") # 124. In that Order, I determined that "[b]ecause the less drastic sanction instituted against the plaintiffs has had no effect on their compliance with and response to this court's discovery orders, which they have continued to blatantly disregard, . . . dismissing the defendant with prejudice is now appropriate." Order at 2. Now, Mentor moves for dismissal with prejudice on the same ground.

For the reasons explained in my February 27, 2018 Order dismissing Coloplast, it is **ORDERED** that the Defendant's Motion to Dismiss [ECF No. 31] is **GRANTED**, and Mentor is **DISMISSED with prejudice**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: April 2, 2018



A handwritten signature in blue ink, appearing to read "Joseph R. Goodwin", is written over a horizontal line. Below the signature, the name "JOSEPH R. GOODWIN" is printed in capital letters, followed by "UNITED STATES DISTRICT JUDGE".